United Nations A/AC.109/2013/3

General Assembly

Distr.: General
11 February 2013

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 21 December 2012. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Pitcairn is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: High Commissioner: Vicki Treadell.

Geography: Pitcairn is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. The terrain is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, allowing no easy access from the sea. Although small boats can be launched in many places, Bounty Bay and the Tedside landing are the only two places offering a reasonably safe landing.

Land area: 35.5 km^2, while that of Pitcairn itself is 4.35 km^2.

Exclusive economic zone: 800,000 km^2.[a]

Population: 50 (2012).

Languages: The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian.

Capital: Adamstown, the only settlement.

Head of territorial Government: Vicki Treadell.

Mayor: Mike Warren.

Main political parties: None.

Elections: Elections of the Council are held every two years (most recent election in December 2011); elections for the Mayor, the head of the Council, are held every three years.

Economy: The economy of Pitcairn is largely based on fishing, horticulture, the sale of handicrafts, beekeeping and honey production. Pitcairn receives budgetary aid from the United Kingdom.

Monetary unit: New Zealand dollar ($NZ).

Brief history: Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767) was uninhabited when castaways from *HMS Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of the inhabitants of Pitcairn today can trace their ancestry back to those mutineers.

[a] Exclusive economic zone data from Johann D. Bell, Johanna E. Johnson and Alistair J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Auckland, New Zealand: Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional, legal and political issues

1. A new constitution came into effect in March 2010, replacing the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970. It set out for the first time rights and freedoms of the individual, provided for an Attorney General and established the authority of the Island Council, updated the role of the Governor and brought the judicial system into the Constitution. The British Overseas Territories Act 2002 provides for the granting of British citizenship to "British overseas territory citizens". The Governor is appointed by the British Crown, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, to whom she is accountable. In practice, the High Commissioner of the United Kingdom to New Zealand is appointed concurrently as Governor of Pitcairn, and overall responsibility for the administration of the island is accordingly vested in this function.

2. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the British monarch, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

3. The island community was also fully involved in consultations leading to the setting-up of a new governance structure on the island in April 2009. This created four senior public sector posts (division managers) to boost local administrative capacity and introduced fair and transparent systems for Government job selection and performance management. The process of devolving more functions and responsibilities to the island is continuing but will be a gradual one, given the limited human resources and appropriate skills in the tiny population. For now, some administrative functions will need to remain with the Pitcairn Islands Office in Auckland, New Zealand.

4. Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn, and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the islanders. According to the 2012 revised edition of the Ordinance, the Council consists of seven voting members (the Mayor, the Deputy Mayor and five Councillors, all elected) and four non-voting ex officio members (the Governor, the Deputy Governor, the Governor's representative and the Commissioner). During elections in December 2010, Mike Warren was elected as Mayor.

A. Electoral qualifications

5. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for de facto partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor and Deputy Mayor, the qualifying residence is 10 years and 5 years, respectively,

and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held between the first and fifteenth days in December (inclusive).

B. Judicial system and human rights

6. The Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed level. There is a right of appeal to the Supreme Court of Pitcairn, which is a superior court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

7. According to the United Kingdom, the Pitcairn courts have jurisdiction in relation to human rights arising out of the laws in force on the islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights on the islands.

8. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

9. The United Kingdom has further noted that the laws in force on Pitcairn, including those relating to human rights, are published by the Governments of the United Kingdom and Pitcairn and are readily available to all on the island through the Island Secretary's office. The reports of Pitcairn to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island Administration.

10. With regard to the issue of self-government, in 2011, the Government of the United Kingdom published a white paper entitled "The overseas territories: success, security and sustainability". According to the United Kingdom, the paper reinforced the Government's commitment to the future of all the overseas territories, including Pitcairn. In addition, ministers from the Foreign and Commonwealth Office and the Department for International Development of the United Kingdom continue to hold discussions on the future sustainable policy for Pitcairn. According to the United Kingdom, both departments are working closely to enable Pitcairn to reach self-sustainability. The Department for International Development and the Government of Pitcairn are currently working on the final stages of a five-year strategic development plan for the island.

11. With regard to the European Convention on Human Rights, in a report issued in June 2008, the House of Commons Foreign Affairs Committee on the Overseas Territories quotes information provided by the Foreign and Commonwealth Office, through the Pitcairn Commissioner, stating that the European Convention on Human Rights had been extended to "all populated territories except Pitcairn". However, the Constitution of Pitcairn, referred to in paragraph 1 above, includes the rights and freedoms of the individual taken from the European Convention on Human Rights and other relevant rights taken from the International Covenant on Civil and Political Rights. A human rights capacity-building project, funded by the Government of the United Kingdom for its overseas territories, included visits to Pitcairn in September 2009 and March 2011 by human rights trainers from the Commonwealth Foundation.

12. In June 2011, the Commonwealth Foundation, the Commonwealth Human Rights Initiative and the Commonwealth Legal Education Association organized a 10-day training session on human rights for the islanders. The training focused on ways to ensure that laws and regulations respected the Constitution of Pitcairn adopted in 2010 and on the development of a national human rights plan. In addition, in May 2011, the first five students from the island graduated from the Child Protection Studies programme, a training course accredited by the New Zealand Qualifications Authority. Five more students have since graduated and three more are being trained.

13. According to the Foreign and Commonwealth Office report entitled *Human Rights and Democracy*, issued in 2012, the protection and promotion of human rights in each territory is primarily the responsibility of the territorial Government, while the Government of the United Kingdom is ultimately responsible for ensuring that the territories fulfil their obligations arising from international human rights treaties that have been extended to them.

14. The report also states that in June 2011 there was a follow-up to the 2009 Pitcairn child safety review, which assessed the safeguarding measures introduced over the past two years to be effective and recommended that they should be maintained. The Department for International Development is currently financing a project on safeguarding children in the overseas territories, which is expected to be completed in March 2013. In addition, the logical framework from the Department's Pitcairn budget aid project for 2012-2013 established as a specific target that all the agreed review recommendations should be implemented by 2013, when a further review will take place.

II. Budget

15. According to the United Kingdom, the 2011-2012 expenditure for Pitcairn, supported by the Department for International Development, was roughly $NZ 5.3 million. According to the Department, the budgetary aid covers the deficit, the maintenance costs associated with the tropical storm of February 2012 and access to short-term technical assistance. The prospect of self-sufficiency is very low in the case of Pitcairn because of its size and remoteness. The island's budget aid has increased by around 342 per cent over the past six years, mainly owing to the cost of the new shipping service, the increased costs of the four off-island professionals (police officer, family and community adviser, teacher and doctor) and exchange

rate fluctuations. The major recurrent expenditures include shipping and freight subsidies (38.9 per cent) and the community division (includes the costs of off-island professionals) (24.4 per cent). The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008 to 2013, amounts to €2.4 million.

III. Economic and social conditions

16. The principal source of income for Pitcairn's public economy had traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, the island now receives budgetary assistance from the Department for International Development. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item and include a number of new designs expected for release in 2012-2013. Revenue is also generated from landing fees for tourist arrivals.

17. Pitcairn's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn. The fees for the acquisition of a ".pn" domain are £142.80 per year.

18. Two main challenges to socioeconomic development have been identified by the Department for International Development: the legacy of the child sexual abuse cases and the continuing need to maintain rigorous child protection measures; and the ageing population and the declining share of the population that is economically active. The Department states that only 31 people fall into the economically active category, with only 16 under the age of 50, of whom only 3 are in the 20-30 age group. Half of the population is aged over 50, 13 of whom are aged over 60. This situation is having an increasingly negative impact on economic production and health-care costs. The natural growth rate of the population is already beyond a sustainable replacement rate. In the period 2001-2012, there were only eight births and fewer than five women of childbearing age. Increased funds will be necessary in the medium term to support the ageing population.

19. According to data from the Commonwealth Secretariat, a range of minerals, including manganese, iron, copper, gold, silver and zinc, has been discovered within the exclusive economic zone of Pitcairn. The private economy of Pitcairn is based on subsistence gardening, fishing and the manufacture and sale of handicrafts, in addition to the export to Japan, New Zealand, the United States of America and French Polynesia of dried fruit, vegetables, honey and honey products. Bartering, mainly with passing ships, is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the islanders' diet.

20. Imports, mostly from New Zealand, include fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The last-mentioned are ordered several months in advance and are obtainable through a Government store, established in 1967. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of produce. A number of Pitcairn items are available directly via the Internet. Carvings and basketware are also traded by mail order. Island produce is sold to passing cruise ships.

21. The uninhabited island of Henderson, designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Islanders visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, as well as to put down a layer of young miro branches in order to ensure a sustainable crop for years to come. Environmentalists also visit Henderson from time to time, as it is known for its endemic species of birds and plants in a near-pristine system. Oeno is an important breeding site for seabirds. From July to September 2011, a non-governmental organization led a project to eradicate rats, which were threatening the bird population. Unfortunately, early indications are that the project, to which the Government of the United Kingdom contributed more than £400,000, has not been a success and that rats persist on the island. The Government of the United Kingdom and the relevant stakeholders are investigating. In August 2013, a monitoring expedition will take place to assess the situation. Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing and gathering coconuts and shells. Traditionally, the fish caught on those expeditions are shared equally among the families on Pitcairn.

A. Transport

22. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the season, which lasts from December to March. Ships visiting the island remain at anchor some distance from the shoreline and visitors are ferried to the island in longboats. According to the information provided by the United Kingdom, plans are being considered to improve landing facilities, in particular for cruise ship passengers, given that tourism development is important for the future prosperity of Pitcairn. According to the Department for International Development, plans to build an alternative landing facility, supported by the European Development Fund, are being developed.

B. Communications and power supply

23. The communications system installed in 2006 provided the island with telephones in all homes, a stable Internet system and limited television service and videoconferencing facilities. The system was upgraded in 2011.

24. A project to design and install a wind-diesel-battery storage electricity supply system for Pitcairn has been completed. Currently, diesel-driven generators provide 240-volt electric power for 14 hours per day (8 a.m.-10 p.m.).

C. Land tenure

25. A land tenure reform ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they lived on Pitcairn. An annual land tax payable on all land held by non-residents of Pitcairn, or on land

held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, or their children or grandchildren who have reached the age of 18 years, are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

26. The population of Pitcairn is self-employed, but salaries are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the inhabitants have at least one part-time government job. Public work, recently renamed "civic obligations", required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties is concerned with Bounty Bay, the maintenance of public boats or unloading supplies. Public works not relating to Bounty Bay are now rarely carried out. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

27. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer is a qualified teacher recruited from New Zealand, usually for a one-year term. For practical reasons, post-primary education is conducted at the school by correspondence courses arranged through the Department of Education of New Zealand. Overseas secondary education is encouraged by the granting of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. Since 2007, citizens from the overseas territories have benefited from the home student fee rate at British universities.

28. Pitcairn has a museum built using funds from a grant from the Government of the United Kingdom. Artefacts on display include stone tools made by Polynesians before the arrival of the mutineers, in addition to cannonballs, an anchor and a swivel gun from the *HMS Bounty*. The Seventh-Day Adventist Church is the only church on the island. A pastor from French Polynesia is currently stationed on the island.

F. Health care

29. The Pitcairn Island Health Centre, completed in 1997, was funded by the Department for International Development. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the island on a one-year contract, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The

Government has also funded a social welfare programme, which includes a family and community adviser, who is also recruited from New Zealand on a one-year contract. As on other Pacific islands, obesity and diabetes are a health problem.

30. In a communiqué dated 5 December 2012, the Joint Ministerial Council, a body bringing together the political leaders and representatives of the United Kingdom and its overseas territories, including Pitcairn, expressed agreement on the importance of health security and on achieving compliance with the requirements of the International Health Regulations, an international legal instrument binding on 194 countries, including all States members of the World Health Organization, by June 2014. Furthermore, the participants agreed to identify and make use of all available sources of assistance, in particular from regional and global health organizations such as the Pan American Health Organization and United Nations agencies, to share best practices on health strategies and processes, with special emphasis on the treatment of non-communicable diseases, and to improve representation of the territories and linkages with global and regional health bodies.[1]

G. Criminal justice

31. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004.

32. By December 2012, most of the men had passed their sentence expiry dates, except for one who remains on parole. Parole is monitored by a community police officer, seconded from the New Zealand police force (for further details, see previous working papers, including A/AC.109/2011/4).

IV. Environment

33. In November 2011, the Applied Geoscience and Technology Division of the Secretariat of the Pacific Community, during the Second Annual Partners Meeting for the Supporting Disaster Risk Reduction in the Pacific Project for the Overseas Countries and Territories, presented a project within the framework of the Disaster Reduction Programme to support the capacity of Pitcairn to strengthen its resilience to longer periods of drought and to mitigate the drought's negative effects on the availability of crops and water. The project will monitor closely the climate and water resources, and the data collected will be used to increase the island's water catchment capacity as well as water storage, treatment and distribution. In addition, the project aims at enhancing the island's water and meteorology governance arrangements.

34. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's overseas territories: United Kingdom Government and civil society support" on the advice and support available to the territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

[1] The communiqué is available from https://fco-stage.fco.gov.uk/resources/en/pdf/uk-ot-communique.pdf.

V. Relations with international organizations and partners

35. It has been agreed to extend the United Nations Convention against Corruption, the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to Pitcairn at the earliest opportunity.

36. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations of the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme.

37. In December 2012, the Joint Ministerial Council issued a communiqué, as stated in paragraph 30 above. The political leaders and representatives of the United Kingdom and the overseas territories stated that they had reached agreement to work together to, among other things, further develop links with the United Nations and its agencies and regional partners, in particular in the Caribbean, and expressed the belief that the Special Committee on Decolonization should delist territories where that was their wish.

VI. Future status of the Territory

A. Position of territorial Government

38. The most recent statement by a representative of the Island Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee on Decolonization for 2004 (A/59/23).

B. Position of administering Power

39. On 11 October 2012, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-seventh session of the General Assembly. According to the record of the meeting (A/C.4/67/SR.5), the representative stated, among other things, that the Government of the United Kingdom maintained its long-standing position on the independence of the territories that it administered. Any decision to sever the constitutional link between the United Kingdom and a territory should be taken on the basis of the clear and constitutionally expressed wish of the people of that territory. Where independence was an option and it was the clear and constitutionally expressed wish of the people to pursue independence, the Government of the United Kingdom would meet its obligations to help the territory to achieve it.

40. He referred to the white paper that the Government of the United Kingdom had published in June 2012 confirming the Government's commitment to maintaining the overall relationship between the United Kingdom and the territories. In the introduction, the Government expressed the belief that the fundamental structure of the constitutional relationships was the right one: powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining powers necessary to discharge its sovereign responsibilities, including to ensure that constitutional arrangements worked effectively to promote the best interests of the territories and of the United Kingdom. The Government recognized that it was important to continue to reflect on the constitutional relationship and would ensure that a dialogue on those issues was sustained with all those territories that wished to engage.

41. He went on to say that the white paper had made it clear that the fundamental responsibility and objective of the Government of the United Kingdom was to ensure the security and good governance of the territories and their peoples. That responsibility flowed from international law, including the Charter of the United Nations. Being an overseas territory of the United Kingdom also entailed responsibilities, however. The Government of the United Kingdom expected territorial Governments to meet the same high standards as it did in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities. The Government of the United Kingdom would take firm and resolute action wherever there was evidence of corruption or maladministration in a territory. He concluded that the relationship between the United Kingdom and its overseas territories continued to be a modern one based on partnership, shared values and the right of each territory to determine whether it wished to stay linked to the United Kingdom. For as long as the overseas territories of the United Kingdom wished to retain that link, the Government of the United Kingdom would remain committed to their future development and continued security.

C. Action by the General Assembly

42. On 18 December 2012, the General Assembly adopted, without a vote, resolutions 67/132 A and B, based on the report of the Special Committee (A/67/23) and on the subsequent recommendation by the Fourth Committee. Section VIII of resolution 67/132 B concerns Pitcairn. In the operative paragraphs of that section, the General Assembly:

> 1. *Welcomes* all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socioeconomic and environmental security in Pitcairn;

4. *Welcomes* the work carried out on the preparation of a five-year strategic development plan for the island.